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7 *Attorney for Defendants*
8 *Renee Baker, Curtis Kerner, &*
Michael Koehn

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 JOSE AGUILAR,

12 Plaintiff,

13 v.

14 MICHAEL B. KOEHN, et al.,

15 Defendant.

Case No. 3:16-cv-00529-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE
MOTION FOR SUMMARY JUDGMENT
(Third Request)**

16 Defendants, Renee Baker, Curtis Kerner, and Michael Koehn (Defendants), by and through
17 counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy
18 Attorney General, hereby submit their Motion for Enlargement of Time to File a Motion for Summary
19 Judgment (Third Request). This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(B), the
20 following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. ARGUMENT**

23 Defendants respectfully request a fourteen (14) day extension of time out from the current
24 deadline (August 1, 2018) to file a dispositive motion in this case. Counsel for Defendants is
25 confronted with numerous competing deadlines and a high workload due to staffing changes in the
26 Office of the Attorney General. However, such obstacles are currently being resolved and the requested
27 extension of time should afford Defendants adequate time to file a dispositive motion in this case.

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1 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

2 When an act may or must be done within a specified time, the court may,
3 for good cause, extend the time: (A) with or without motion or notice if
4 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.


5 Defendants' request is untimely by one (1) day and regrettably, Defendants must rely on excusable
6 neglect to justify an extension. *See* ECF No. 38; *see also* FED. R. CIV. P. 6(b)(1)(B). Due to a sudden
7 death in the family on August 1, 2018, defense counsel was unable to submit a dispositive motion on
8 that deadline. A determination of excusable neglect is soundly within the discretion of the Court. *See*
9 *Rodgers v. Watt*, 722 F.2d 456, 460 (9th Cir. 1983) (internal citations omitted). Defense counsel is
10 aware that the Court ruled that no further extensions would be granted. *See* ECF No. 38. However,
11 defense counsel respectfully relies upon the Court's indulgence, given the unexpected contingency
12 (sudden death of a family member) that arose on August 1, 2018. The requested fourteen (14) day
13 extension of time should permit Defendants time to submit a dispositive motion. Defendants assert that
14 the excusable neglect is present to warrant the requested extension of time.

15 For these reasons, Defendants respectfully request a fourteen (14) day extension of time from
16 the current deadline to file a dispositive motion in this case, with a new deadline to and including
17 Wednesday, August 15, 2018.

18 DATED this 2nd day of August, 2018.

19 ADAM PAUL LAXALT
20 Attorney General

21 By:


22 GERRI LYNN HARDCASTLE
23 Deputy Attorney General
Bureau of Litigation
Public Safety Division

24 *Attorneys for Defendant*

25 **IT IS SO ORDERED.**

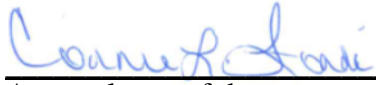
26 
27 U.S. DISTRICT JUDGE

28 DATED: August 6, 2018

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that
3 on this 2nd day of August, 2018, I caused to be deposited for mailing, a true and correct copy of the
4 foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE MOTION**
5 **FOR SUMMARY JUDGMENT**
6 **(Third Request)**, on the following:

7 JOSE AGUILAR, #80140
8 ELY STATE PRISON
9 P.O. BOX 1989
ELY, NV 89301

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11 
12 An employee of the
13 Office of the Attorney General
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